

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KEMORLEY JOSEPH SCOTT,

Plaintiff,

-v.-

Civil Action No.  
9:07-cv-936 (GLS/DRH)

RICHARD LAUX, Doctor, Auburn  
Correctional Facility,

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

KEMORLEY JOSEPH SCOTT  
Plaintiff Pro Se  
Krome Detention Center  
18201 SW 12<sup>th</sup> Street  
Miami, FL 33194

**FOR THE DEFENDANTS:**

HON. ANDREW M. CUOMO  
Attorney General for the State of New York  
Counsel for Defendants  
The Capitol  
Albany, New York 12224

RICHARD LOMBARDO  
Assistant Attorney General

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed July 30, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein. The plaintiff was granted an extension until August 29, 2008 in which to file objections.

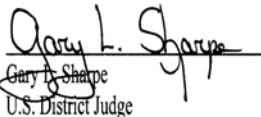
No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed July 30, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that Defendant's Motion to Dismiss (Dkt. No. 14) is GRANTED and that the complaint is DISMISSED in its entirety, and it is further

ORDERED, that the Clerk enter judgment in favor of the defendants against the plaintiff.

**IT IS SO ORDERED**

Dated: September 18, 2008  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge